

ENTERED

February 26, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOE ANGEL ZAVALA,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL NO. 2:16-CV-00448

ORDER

The Court is in receipt of Respondent's March 7, 2017, motion for summary judgment, Dkt. No. 10, and the June 7, 2017, Memorandum and Recommendation ("M&R") of the Magistrate Judge to whom this case was referred, Dkt. No. 12. Petitioner did not respond to the motion for summary judgment nor file objections to the M&R. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections; FED. R. CIV. P. 72(b)(2) (same); *see also* Dkt. No. 12 at 11 (advising parties of the 14-day deadline).

After independently reviewing the record and considering the applicable law, the Court adopts the proposed M&R in its entirety. The Court hereby:

- **GRANTS** Respondent's motion for summary judgment, Dkt. No. 10;
- **DISMISSES WITH PREJUDICE** Petitioner's action as time barred; and
- **DENIES** Petitioner a Certificate of Appealability.

The Court will order entry of final judgment separately.

SIGNED this 26th day of February, 2018.



Hilda Tagle
Senior United States District Judge